MONTANA LEGISLATIVE HISTORY

Chapter 241 1985

Bill H 588 S _____ Original bill & history ✓ C

H. Committee on Judiciary		S. Committee on Public Health	
Hearing Date(s) _____	___C	Hearing Date(s) _____	___C
2/13	✓ C	3/08	✓ C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out 2/13	✓ C	3/8	✓

Did this bill originate in an interim committee? ___Yes X No

Committee _____ Report _____

1/31	INTRODUCED		
1/31	REFERRED TO JUDICIARY		
2/13	HEARING		
2/13	COMMITTEE REPORT-BILL DO PASS		
2/16	2ND READING PASS	94	2
2/18	3RD READING PASS	97	2
	TRANSMITTED TO SENATE		
2/19	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/08	HEARING		
3/11	COMMITTEE REPORT-BILL CONCURRED		
3/13	2ND READING CONCURRED	50	0
3/15	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
3/23	SIGNED BY SPEAKER		
3/23	SIGNED BY PRESIDENT		
3/25	TRANSMITTED TO GOVERNOR		
3/29	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 241 EFFECTIVE DATE: 10/01/85		

HB 589 INTRODUCED BY GOULD, CAMPBELL
BOARD OF CRIME CONTROL GRANTS TO YOUTH COURTS FOR IMPLEMENTING DETENTION
BY REQUEST OF BOARD OF CRIME CONTROL

1/31	INTRODUCED
1/31	REFERRED TO APPROPRIATIONS
2/08	HEARING
	DIED IN COMMITTEE

HB 590 INTRODUCED BY KEENAN
ADD BACK TO INCOME TAX A PORTION OF FEDERAL DEPRECIATION DEDUCTION

1/31	INTRODUCED
1/31	REFERRED TO TAXATION
2/01	FISCAL NOTE REQUESTED
2/08	FISCAL NOTE RECEIVED
3/14	HEARING
	DIED IN COMMITTEE

HB 591 INTRODUCED BY BARDANOUVE
INCREASE THE MAXIMUM GENERAL FUND BUDGET SCHEDULES FOR SCHOOLS
BY REQUEST OF OFFICE OF BUDGET AND PROGRAM PLANNING

1/31	INTRODUCED
1/31	REFERRED TO EDUCATION & CULTURAL RESOURCES
2/01	FISCAL NOTE REQUESTED
2/08	FISCAL NOTE RECEIVED
2/20	HEARING
	DIED IN COMMITTEE

HB 592 INTRODUCED BY BARDANOUVE
PROHIBITS SIGNS ADVERTISING ALCOHOL OR TOBACCO PRODUCTS

HB 586 INTRODUCED BY GOULD, CAMPBELL
CONFISCATE AND DISPOSE OF INMATES' CONTRABAND
BY REQUEST OF DEPARTMENT OF INSTITUTIONS

1/31	INTRODUCED		
1/31	REFERRED TO JUDICIARY		
2/01	FISCAL NOTE REQUESTED		
2/06	FISCAL NOTE RECEIVED		
2/13	HEARING		
2/13	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/16	2ND READING PASS	91	0
2/18	3RD READING PASS	98	0
	TRANSMITTED TO SENATE		
2/19	REFERRED TO JUDICIARY		
3/20	HEARING		
3/20	COMMITTEE REPORT-BILL CONCURRED		
3/22	2ND READING CONCURRED	48	0
3/25	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
3/28	SIGNED BY SPEAKER		
3/28	SIGNED BY PRESIDENT		
3/29	TRANSMITTED TO GOVERNOR		
4/02	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 325 EFFECTIVE DATE: 4/02/85		

HB 587 INTRODUCED BY GOULD, CAMPBELL
TRANSFER OF PRISONER TO COUNTRY HE IS A CITIZEN OF
BY REQUEST OF DEPARTMENT OF INSTITUTIONS

1/31	INTRODUCED		
1/31	REFERRED TO JUDICIARY		
2/13	HEARING		
2/13	COMMITTEE REPORT-BILL DO PASS		
2/16	2ND READING PASS	95	2
2/18	3RD READING PASS	98	1
	TRANSMITTED TO SENATE		
2/19	REFERRED TO JUDICIARY		
3/20	HEARING		
3/20	COMMITTEE REPORT-BILL CONCURRED		
3/22	2ND READING CONCURRED	48	0
3/25	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
3/28	SIGNED BY SPEAKER		
3/28	SIGNED BY PRESIDENT		
3/28	TRANSMITTED TO GOVERNOR		
4/01	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 300 EFFECTIVE DATE: 10/01/85		

HB 588 INTRODUCED BY GOULD, CAMPBELL
RELATIVE NEED NOT BE TOLD OF ADMISSION TO ALCOHOLIC
TREATMENT FACILITY
BY REQUEST OF DEPARTMENT OF INSTITUTIONS

HOUSE BILL NO. 588

INTRODUCED BY [signature]

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE REQUIREMENT THAT NEXT OF KIN MUST BE NOTIFIED WHEN A PATIENT IS ADMITTED TO AN ALCOHOLIC TREATMENT FACILITY; AMENDING SECTION 53-24-303, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-24-303, MCA, is amended to read:

"53-24-303. Treatment and services for intoxicated persons and persons incapacitated by alcohol. (1) An intoxicated person may come voluntarily to an approved public treatment facility for emergency treatment. A person who appears to be intoxicated in a public place and to be in need of help, if he consents to the proffered help, may be assisted to his home, an approved public treatment facility, an approved private treatment facility, or other health facility by the police.

(2) A person who appears to be incapacitated by alcohol shall be taken into protective custody by the police and forthwith brought to an approved public treatment facility for emergency treatment. If no approved public treatment facility is readily available, he shall be taken to an emergency medical service customarily used for incapacitated persons. The police, in detaining the person and in taking him to an approved public treatment facility, are taking him into protective custody and shall make every reasonable effort to protect his health and safety. In taking the person into protective custody, the detaining officer may take reasonable steps to protect himself. No entry or other record may be made to indicate that the person taken into custody under this section has been arrested or charged with a crime.

(3) A person who comes voluntarily or is brought to an approved public treatment facility shall be examined by a licensed physician as soon as possible. He may then be admitted as a patient or referred to another health facility. The referring approved public treatment facility shall arrange for his transportation.

(4) A person who by medical examination is found to be incapacitated by alcohol at the time of his admission or to have become incapacitated at any time after his admission may not be detained at the facility once he is no longer incapacitated by alcohol or, if he remains incapacitated by alcohol, for more than 48 hours after admission as a patient unless he is committed under 53-24-304. A person may consent to remain in the facility as long as the physician in charge believes appropriate.

LC 1084/01

INTRODUCED BILL
HB 588

(5) A person who is not admitted to an approved public treatment facility and is not referred to another health facility may be taken to his home. If he has no home, the approved public treatment facility shall assist him in obtaining shelter.

(6) If a patient is admitted to an approved public treatment facility, his family or next of kin ~~shall~~ may be notified ~~as-promptly-as-possible;-if-an-adult~~ if the patient ~~who-is-not-incapacitated-requests-that-there-be-no~~ consents to such notification~~,-his-request-shall-be-respected.~~"

NEW SECTION. Section 2. Extension of authority. Any existing authority of the department of institutions to make rules on the subject of the provisions of this act is extended to the provisions of this act.

-End-

a treaty, that person would be transfered back to the United States to serve out his sentence in a federal prison. Mr. Chisholm feels it has some benefit for the state of Montana given the crowded conditions of the prison. He mentioned that one of the Canadian citizens currently in Montana State Prison is facing the death sentence. He doesn't feel that under any circumstances would they allow the transfer of that particular individual.

There being no further proponents or opponents, Rep. Gould closed.

In response to a question asked by Rep. Rapp-Svrcek, Mr. Chisholm stated that the department would allow the inmate credit for good time under the same provisions that the state of Montana allows good time.

Rep. Hannah asked if there were financial obligations as a result of this. Mr. Chisholm answered that no, there are not. The transfer of the other countries will be done through the U.S. Marshall's Office.

Rep. Eudaily wanted to know why there wasn't an extension of authority on this bill. Mr. Chisholm stated that they use this rule-making authority rarely in correctional circumstances. He doesn't know if they would need to publish rules on this matter or not.

CONSIDERATION OF HOUSE BILL NO. 588: Rep. Gould, District #61, chief sponsor of HB 588, stated that this is an act to remove the requirement that next of kin must be notified when a patient is admitted to an alcoholic treatment facility. He said this bill would just conform with the federal definition.

Curt Chisholm, deputy director of the Department of Institutions, testified in support of this bill. He said that this is just a housekeeping matter where someone found a flaw in the state law governing the involuntary commitment of alcoholics to treatment in an inpatient facility.

There being no further proponents or opponents, Rep. Gould closed. Following a few general questions, hearing closed on HB 588.

CONSIDERATION OF HOUSE BILL NO. 627: Rep. Nancy Keenan, District #66, testified in support of HB 627. This is an act to specify the general duties of a guardian ad litem in cases of child abuse or neglect.

ACTION ON HOUSE BILL NO. 588: Rep. Hammond moved that HB 588 DO PASS. The motion was seconded by Rep. Brown, and the motion carried with Rep. Hannah dissenting.

ACTION ON HOUSE BILL No. 627: Rep. Darko moved that HB 627 DO PASS. The motion was seconded by Rep. Bergene and further discussed.

Rep. Eudaily pointed out that he has a problem with subsection (e) of the bill. He doesn't understand how guardians ad litem while before a court of law can examine, cross-examine witnesses, and introduce exhibits.

Rep. Addy doesn't see any harm in allowing guardians the privilege of cross-examining.

Rep. Hannah offered an amendment on page 2, line 4 following "child" by striking ", including" through "exhibits," on line 6. Included as a part of the amendment on page 2, line 6 would be to strike "making" and insert "make". The motion was seconded by Rep. Eudaily.

Rep. Krueger stated his objection to this amendment. He feels that the guardian ad litem should be able to examine witnesses before the court.

Rep. Hannah feels the attorney for the child would be able to examine witnesses anyhow and would work in concert with the guardian ad litem. The question was called on Rep. Hannah's motion to amend, and the motion carried with Reps. Krueger, Montayne, Miles, Bergene, Darko and Brown dissenting.

Rep. Rapp-Svrcek felt the language in subsection (c) should be amended. Rep. Krueger moved to insert "pertinent" on line 23 following "all". Rep. Hammond seconded the motion.

Rep. Eudaily made a substitute motion on line 23 by striking "review all" and inserting "have access to". The motion was seconded by Rep. Mercer, and discussion followed.

Rep. Miles objected to the Rep. Eudaily's motion because she feels that the guardian ad litem's duties should be outlined as presently indicated in the bill. She feels the amendment would waterdown this portion of the bill.

Rep. Mercer doesn't feel the guardian should be required to go through all these records. He feels that the guardians would go through this procedure anyhow, He reminded the committee that this is a public expense, and if non-voluntary guardians are required to look into all these records, the cost to do so will increase.

DAILY ROLL CALL

HOUSE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2/13/85

EXECUTIVE SESSION

7:00 a.m.

NAME	PRESENT	ABSENT	EXCUSED
Tom Hannah (Chairman)	✓		
Dave Brown (Vice Chairman)	✓		
Kelly Addy	✓		
Toni Bergene	✓		
John Cobb	✓		
Paula Darko	✓		
Ralph Eudaily	✓		
Budd Gould	✓		
Edward Grady	✓		
Joe Hammond	✓		
Kerry Keyser	✓		
Kurt Krueger	✓		
John Mercer	✓		
Joan Miles	✓		
John Montayne	✓		
Jesse O'Hara	✓		
Bing Poff	✓		
Paul Rapp-Svrcek	✓		

STANDING COMMITTEE REPORT

February 13 19 35

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 589

FIRST reading copy (WHITE)
color

RELATIVE NEED NOT BE TOLD OF ADMISSION TO ALCOHOLIC TREATMENT FACILITY

Respectfully report as follows: That HOUSE Bill No. 589

DO PASS

REP. TOM HANNAH
Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

MARCH 8, 1985

The meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Judy Jacobson on Friday, March 8, 1985 at 1:00 p.m. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present. Karen Renne, staff researcher, was also present.

There were many visitors in attendance. See attachments.

DISCUSSION ON HOUSE BILL 465: This bill introduced by Stella Jean Hansen of Missoula is an act to require the Department of Health and Environmental Sciences to adopt rules requiring owners and operators of solid waste management systems to submit information on the location and contents of solid waste disposal sites to counties to record as part of their permanent land records; providing for the recording of such information by county health departments of sites known to them.

Karen reported that she had visited with a couple of county clerk and recorders and also Jim Leitner for the Department which informed her that this information will be recorded on the deeds and also that there is a packet of information on file regarding each piece of land which would also contain the information called for in this bill.

Senator Towe stated that he was unaware of any "packet" of information which is on file with the clerk and recorder at the present time which this information could be put with.

Senator Himsl stated that he did not feel someone else could place information on the deed.

It was decided to invite a clerk and recorder to a future meeting and have her explain or interpret their understanding of this bill.

CONSIDERATION OF HOUSE BILL 588: Representative Bud Gould of Missoula is the chief sponsor of HB 588. He gave a brief resume of the bill. This bill is an act to remove the requirement that next of kin must be notified when a patient is admitted to an alcoholic treatment facility.

Curt Chisolm, deputy director of the Department of Institutions, stood in support of the bill. He stated that this bill is a housekeeping bill in its finest form. HB 588 would accomodate those people who are incapacitated by alcohol.

An intoxicated person may come voluntarily to an approved public treatment facility for emergency treatment. This would the the 18hour program at Galen.

With no further proponents, the chairman called on the opponents. Hearing none the meeting was opened to a question and answer period from the Committee.

Senator Norman asked Mr. Chisolm what would happen if this bill is not passed. Mr. Chisolm replied that nothing would probably happen and that Galen would keep acting as it has in the past.

Senator Towe asked about under age people in regards to this bill. Mr. Chisolm replied that they try to keep under age people from using this program, however, if they did they would be covered under the federal confidentiality laws.

Representative Gould closed.

ACTION OF HOUSE BILL 588: A motion was made by Senator Hager that HB 588 BE CONCURRED IN. Motion carried. Senator Hager will carry this bill on the floor of the Senate.

CONSIDERATION OF HOUSE BILL 289: Representative Bob Marks of Clancy, the chief sponsor of House Bill 289, gave a brief resume of the bill. This bill is an act changing the name of the Boulder River School and Hospital to the Montana Developmental Center.

Representative Marks stated that there is not a hospital at the school any longer and, therefore, the present name is inappropriate.

Bill Shoquist of Boulder and the chairman of the committee which selected the name change, stood in support of the bill. He stated that he is a former 20 year employee of the Boulder River School as a carpenter and that if this bill were to pass that he would donate his time to change the name on the sign outside of the school. He urged the Committee to give House Bill 289 favorable consideration.

Bob Laymeyer, representing the Boulder Public School as its superintendent, stood in support of the bill. He stated that the name is fitting and should be given favorable consideration.

ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date: 3/8/8

SENATE SEAT #	NAME	PRESENT	ABSENT	EXCUSED
6	SENATOR JUDY JACOBSON, CHAIRMAN	✓		
5	SENATOR J. D. LYNCH, V.CHAIRMAN	✓		
42	SENATOR TOM HAGER	✓		
30	SENATOR MATT HIMSL	✓		
17	SENATOR TED NEWMAN	✓		
45	SENATOR BILL NORMAN	✓		
14	SENATOR STAN STEPHENS	✓		
26	SENATOR TOM TOWE	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

MARCH 8, 19 35

MR. PRESIDENT

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE BILL No. 588

THIRD reading copy (BLUE color)

RELATIVE NEED NOT BE TOLD OF ADMISSION TO ALCOHOLIC TREATMENT FACILITY

GOULD (HAGER)

Respectfully report as follows: That HOUSE BILL No. 588

~~DO PASS~~

~~DO NOT PASS~~ BE CONCURRED IN

SENATOR JUDY JACOBSON Chairman.